

Serial No. **10/619,550**
Amendment Dated **August 1, 2005**
Reply to Office Action of **May 5, 2005**

Docket No. **P-0566**

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3, 5-8, 10-12 and 14-18 are pending in the present application. Claims 2, 4, 9 and 13 have been canceled, claims 1, 3, 7, 8, 10, and 12 have been amended and claims 15-18 have been added by the present amendment.

In the outstanding Office Action, the drawings and claims 1-9 were objected to; claims 7, 8 and 13 were rejected under 35 U.S.C. § 112, second paragraph; claims 1, 2 and 6-11 were rejected under 35 U.S.C. § 102(b) as anticipated by Satoh; claims 3, 4, 12 and 13 were rejected under 35 U.S.C. § 103(a) as unpatenable over Satoh in view of Arai; and claims 5 and 14 were rejected under 35 U.S.C. § 103(a) as unpatenable over Satoh in view of Hiroshi.

Regarding the objection to the drawing, the specification has been amended to include a reference to step S5 in Figure 2. Accordingly, it is respectfully requested the objection to the drawings be withdrawn.

In addition, the acronym "TE" has been defined in the claims. Accordingly, it is respectfully requested the objection to the claims be withdrawn.

Further, claims 7 and 13 have been amended in light of the comments noted in the office action. Accordingly, it is respectfully requested the rejection of claims 7, 8 and 13 under 35 U.S.C. § 112, second paragraph be withdrawn.

Turning now the rejections of the claims over the applied art. Amended independent claim 1 is directed to a method for measuring a service data amount of a terminal in a call connection networking between a terminal equipment (TE) and a network. The method includes monitoring packets received or transmitted at the terminal to determine if a monitored received or transmitted packet corresponds to a control packet indicating a control protocol setup state of the TE is established, and cumulatively counting a number of all packets, excluding data added during a protocol stack setting process, received or transmitted until every protocol session of the TE is released if the control packet indicates the control protocol setup state of the TE is established. Further, the counted number of packets are displayed on a display of the terminal. Independent claim 10 includes similar features in a varying scope.

As noted in the specification at page 6, beginning at line 19, the data substantially provided to the user (referred to as "effective packet") refers to a data excluding a data added during a protocol stack setting process, that is a process of setting a section of TCP/IP/PPP. Further, as noted at page 6, beginning at line 22, checking the starting time point and termination time point of measuring the effective packet is used to count effective packets and calculate a statistics value. Thus, according to present invention, the packets are monitored and counted upon determining a control packet indicates a control protocol setup state of the TE is established and until every protocol session is released. Further, as shown in the non-limiting example of Figure 4, for example, only the payload data is extracted and counted. The number

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of counted payload data is then displayed as a number of packets as shown in Figure 5, for example.

It is respectfully noted the applied art does not teach or suggest the specific starting and termination time points as in the present invention nor the counting of only the payload data of the packet. In more detail, regarding original dependent claim 3, for example, which recites that the data is a payload of a transmission control protocol layer, the office action relies on Arai as teaching this feature and cites paragraphs [0065], [0071]-[0074]. However, it is respectfully noted this section merely describes that the charging rate is put into the headers. This section does not indicate that the payload data is used to count the number of packets. Further, Satoh also does not teach or suggest the specific starting and termination time points for counting the packets as in the present invention. Hiroshi also does not teach or suggest these features.

Accordingly, it is respectfully submitted independent claims 1 and 9 and each of the claims depending therefrom are allowable.

In addition, new claims 15-18 have been added to set forth the invention in a varying scope and applicants submit the new claims are supported by the originally filed specification. Note, independent claim 15 is similar to the independent claim 1 but has been drafted in a varying scope. It is respectfully submitted the cited art does not teach or suggest the features or combination recited therein.

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Further, the specification has been amended to correct minor informalities. No new matter has been added.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Daniel Y.J. Kim**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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